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Docket No. 4208-4061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Toni Paila

Group Art Unit: 2686

Serial No.: 09/988,921

Examiner: Naghmeh Mehrpour

Filed: November 19, 2001

For: METHOD AND SYSTEM OF IDENTIFYING NETWORK SERVICES

EXPRESS MAIL CERTIFICATE

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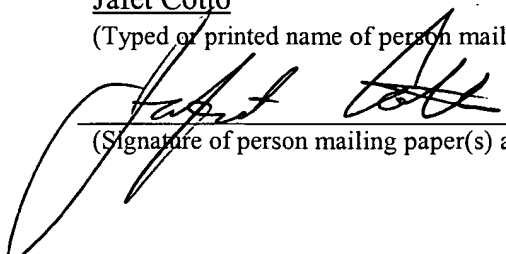
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1. Response to Restriction Requirement - 3 pages (in duplicate)
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

Sirs:

Group I “Claims 1-14, and 38-46, drawn to method of providing service announcement information comprising transmitting at least one of a digital audio or video broadcast service on a first channel; and transmitting pointer data on the first channel, wherein the pointer data identified a second channel on which a service announcement identifying the service transmitted on the first channel is located, classified in class 455, subclasses 450, 412, 414 and 503.”

Group II “Claims 15-37, and 47-50, drawn to method of accessing a communication channels searching in the first signal for redirection information a mobile searches on the first channel for the specified data selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time, selecting and accessing a third communication channel if the redirection information is not received within the first period of time, classified in class 370, subclass 331, class 455/434.”

Applicant provisionally elects for prosecution the invention of Group I (Claims 1-14 and 38-46). Applicant believes that the restriction requirement is improper and therefore makes the

above election with traverse.

Applicant respectfully submits that for a restriction requirement to be proper, MPEP §803, is clear that "there are two criteria for restriction between patentably distinct inventions" as follows:

- “(1) The inventions must be independent or distinct as claimed; and
- (2) There must be a serious burden on the examiner if restriction is not required” (emphasis added)

Applicant respectfully submits that: all groups of restricted claims are properly presented in the same application; undue diverse searching would not be required; and all claims should continue to be examined together. Accordingly, examination of the claims of Group II, in addition to the claims of Group I, would place no additional "serious" burden on the Examiner as examination of the claims of Group II would not require undue diverse searching beyond that which would be necessary for examination of the claims of Group I. This is particularly true given that essentially all of the claims of these two groups have already been examined together by the same Examiner, not once, but **three** times, with only minor amendments having been made by Applicant in response to the second Office Action.

Accordingly, Applicant respectfully submits that the claims of Group II should be examined again on the merits as well.

For the foregoing reasons, it is respectfully submitted that the restriction requirement should be withdrawn and an action on the merits of all the claims is respectfully requested.

PATENT

Docket No: 4208-4053

AUTHORIZATION

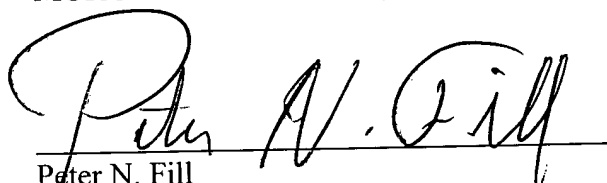
No fees are believed necessary in connection with this response. While Applicant believes no extension of time to be necessary for this response (the Examiner has set the period for reply as set to expire three months from the July 21, 2005 mailing date of the restriction requirement), should an extension of time be required, such extension is respectfully petitioned. The Commissioner is authorized to charge any fees or credit any overpayments which may be required for this paper to Deposit Account Number 13-4500, Order No. 4208-4061. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 25, 2005

By:


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